

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA

VS.

ANTONIO SING-LEDEZMA

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NO.: EP-23-CR-00823 KC

**FIRST AMENDED DEFENDANT SING-LEDEZMA'S MOTION
WITHDRAWING ALL PREVIOUSLY FILED MOTIONS
CHALLENGING COUNTS 1, 3, AND 4 OF THE INDICTMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant Antonio Sing-Ledezma and files this his Motion Withdrawing All Previously Filed Motions Challenging Counts 1, 3, and 4 of the Indictment. In support of his motion, Defendant Sing-Ledezma would show:

I.

On August 2, 2023, Defendant Sing-Ledezma challenged Count 1, Count 3, and Count 4 of the instant indictment with a Motion to Quash. (ECF Doc. No. 23). After the Government's filed its response to Defendant Sing-Ledezma's motion, Defendant Sing-Ledezma filed his reply to the Government's response on November 19, 2023 (ECF Doc No. 42). On December 11, 2023, the Court entered an order granting relief as to Count 1 and denying relief as to Count 4. (ECF. Doc. No. 43).

On January 9, 2024, the Government filed notice of appeal of this Court's order entered on December 11, 2023. (ECF Doc. No. 49). On January 10, 2024, the Government filed a Motion to Stay the Proceedings in this cause pending appeal. (ECF Doc. No. 50).

On January 18, 2024, Defendant Sing-Ledezma filed his Response to the Government's Motion to Stay All Proceedings pending appeal. (ECF Doc. No. 53).

On January 19, 2024, the Court ordered the Government to respond to Defendant Sing-Ledezma's Response to the Government's Motion to Stay All Proceedings by February 2, 2024.

After the Government filed a motion requesting additional time to respond to Defendant Sing-Ledezma's Response to the Government's Motion to Stay All Proceedings, the Court entered a text order allowing the Government until February 16, 2024 to respond to Defendant Sing-Ledezma's Response to the Government's Motion to Stay All Proceedings. (ECF. Doc. No. 55).

II.

Defendant Sing-Ledezma and his undersigned counsel have had close and frequent conferences and consultation regarding the defense of the charges brought by this indictment, to include the manner by which such defense would occur. These conferences and consultations have included contact-visits at the West Texas Detention Facility in Sierra Blanca, Texas. Additionally, the statutory range of punishment for the offenses charged, as well as the applicable sentencing range for the offenses charged as calculated by the United States Sentencing Guidelines, have been discussed thoroughly with Defendant Sing-Ledezma. Defendant Sing-Ledezma has been actively and keenly interested and involved in his case and in the development of the defense strategy in this cause.

On March 31, 2024, Defendant Sing-Ledezma will have been in custody one year on the

offenses charged by indictment. In addition, Defendant Sing-Ledezma is an undocumented alien with removal and deportation from the United States certain. Appeal to the 5th Circuit on the 2nd Amendment issues is likely to delay the proceedings, should the Court grant a stay as to all proceedings, for up to one year. This delay works a prejudice and harm to Defendant Sing-Ledezma for an array of reasons. One of which is there remains a realistic likelihood Defendant Sing-Ledezma will benefit from a variance due to one criminal history point for an illegal entry conviction under 8 U.S.C. § 1325 resulting in a sentence of 11 days. To stay the proceedings as to all counts of the indictment would work harm and prejudice to Defendant Sing-Ledezma for the aforementioned reasons.

III.

Defendant Sing-Ledezma, after careful and thorough thought and consideration, has determined it is in his best interests to withdraw all previously filed challenges to Count 1, Count 3, and Count 4 of the indictment in this cause. Defendant Sing-Ledezma withdraws all previous challenges to the aforementioned counts of the indictment knowing full well that this Court has granted relief on Count 1, is likely to grant relief on Count 3, and that the 5th Circuit Court of Appeals may deny the Government's challenge to this Court's Order granting relief. Defendant Sing-Ledezma is aware, obviously, that the Court denied his challenge as to Count 4.

Defendant Sing-Ledezma wishes to proceed to a re-arraignment hearing and then proceed to a sentencing hearing forthwith so as not to unnecessarily delay his certain removal and deportation to his native country of Mexico from the United States.

CONCLUSION

Defendant Sing-Ledezma moves to withdraw all previous challenges to Count 1, Count 3, and Count 4 of the indictment pending in this cause. Defendant Sing-Ledezma moves this Court

to schedule this cause for re-arraignment forthwith and to schedule the sentencing in this cause as quickly as is possible following re-arraignment.

Respectfully submitted,

/s/ Eduardo Solis

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Antonio Sing L.

ANTONIO SING LEDEZMA
Defendant

CERTIFICATE OF SERVICE

I hereby certify that the foregoing instrument was filed with the U. S. District Clerk's Office for the Western District of Texas utilizing the Case Manager Electronic Case File (CM/ECF) system on this the 29th day of January 2024, thereby giving notice to all interested parties.

/s/ Eduardo Solis

Eduardo Solis

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O R D E R

The Court, having reviewed and considered Defendant Sing-Ledezma's Motion Withdrawing All Previously Filed Motions Challenging Counts 1, 3, and 4 of the Indictment hereby GRANTS Defendant Sing-Ledezma's motion and set this cause for re-arraignment forthwith.

IT IS SO ORDERED.

Signed on: January ____, 2024.

KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE